

# EXHIBIT 2

CONFIDENTIAL  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

3 CORDIS CORPORATION, )  
4 VS. Plaintiff, )  
5 BOSTON SCIENTIFIC )  
6 CORPORATION, et al., )  
7 Defendant. )  
8 BOSTON SCIENTIFIC SCIMED, )  
9 INC., and BOSTON SCIENTIFIC )  
10 CORPORATION, )  
11 Plaintiffs, )  
12 VS. ) CASE NO. 03-283-SLR  
13 CORDIS CORPORATION and )  
14 JOHNSON & JOHNSON, INC., )  
15 Defendants. )  
16 BOSTON SCIENTIFIC SCIMED, )  
17 INC., and BOSTON SCIENTIFIC )  
18 CORPORATION, )  
19 Plaintiffs, )  
20 VS. ) CASE NO. 03-1138-SLR  
21 CORDIS CORPORATION, JOHNSON &)  
22 JOHNSON, INC., GUIDANT )  
23 CORPORATION, GUIDANT SALES )  
24 CORPORATION, and ADVANCED )  
25 CARDIOVASCULAR SYSTEMS, INC., )  
26 Defendants. )

ORAL DEPOSITION OF  
JULIO PALMAZ, M.D.  
December 3, 2004

Volume 1

21 ORAL DEPOSITION OF JULIO PALMAZ, M.D.,  
22 produced as a witness at the instance of Boston  
23 Scientific Corporation and Boston Scientific Scimed,  
24 Inc., and duly sworn, was taken in the above-styled  
25 and numbered cause on the 3rd of December, 2004, from  
9:06 a.m. to 11:04 a.m., before Leigh Anne Williams,  
CSR in and for the State of Texas, reported by machine  
shorthand, at the law offices of Akin & Gump,  
300 Convent Street, Suite 1500, San Antonio, Texas,  
pursuant to the Federal Rules of Civil Procedure.

1 resulted in a publication or anything like that.  
 2 Q. So, you never actually came up with a  
 3 working version of this stent with a polymer and then  
 4 Heparin?

5 A. Not that I recall right now. Yeah, right.  
 6 Q. And with all the experiments you were doing  
 7 with the stent, a polymer and Heparin, did you always  
 8 use this benzalkonium chloride method to put the  
 9 Heparin on?

10 A. I put that as an example. I can't remember  
 11 if I did anything else. That is what I remember that  
 12 I did for sure at the time, but I can't remember  
 13 anything else at that -- right now.

14 MR. ARMENIO: Okay. We've been going  
 15 about an hour. Why don't we take a short break.

16 VIDEOGRAPHER: Stand by. The time is  
 17 10:03 a.m. We are off the record. This concludes  
 18 Tape 1.

19 (Recess.)

20 (Exhibit 7 marked.)

21 VIDEOGRAPHER: Time is 10:11 a.m. We  
 22 are back on the record. This is the beginning of  
 23 Tape 2.

24 Q. (By Mr. Armenio) Dr. Palmaz, I'd like to  
 25 hand you back what we marked as Palmaz Exhibit 5

1 A. I did share this document with a few people.  
 2 Q. And I believe we have testimony at least  
 3 Dr. Reuter? Is that right, "R" --  
 4 A. Reuter.  
 5 Q. Reuter. Excuse me. Thank you.  
 6 And Mr. Joseph E. Peters?  
 7 A. That's correct.  
 8 Q. Okay. Did you show this document to anybody  
 9 else in hopes of stimulating a discussion on  
 10 biologically inert coatings and biocompatibility  
 11 issues?  
 12 A. Well, let me think. Again, the time frames  
 13 may be wrong, but we submitted this document or a  
 14 similar one to a couple companies, and both of those  
 15 companies were in the area of vascular devices. So,  
 16 we did have discussions with them about metal versus  
 17 polymers, and I may have had exchanges of that sort.  
 18 Q. And do you remember in particular what  
 19 companies you had the discussion about metal versus  
 20 polymers with?  
 21 A. Let me see. One was Hancock, and I believe  
 22 there was a company that was, at the time, related to  
 23 implantable prosthetics in the vascular system and the  
 24 other one was Shiley, I believe.  
 25 Q. Okay.

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 1 earlier today. At the time you wrote this, Doctor,  
 2 did you have discussions with anyone else about these  
 3 biologically inert coatings?

4 A. I don't remember that.

5 Q. For example, was there anyone you thought  
 6 was maybe an expert in polymers and you wanted to give  
 7 him or her a call and see what they thought?

8 A. I talked to so many people I just -- you  
 9 know, I can't remember specifically, no.

10 Q. Okay. Do you have any recollection at all  
 11 of speaking to anybody about biologically inert  
 12 coatings for use on stents?

13 A. At the time, there was a vast body of  
 14 literature on vascular materials, and I'm sure that I  
 15 read quite a few papers in that area and, you know,  
 16 all regarding biocompatibility, and I -- You know, so,  
 17 that's probably -- was my reference -- my knowledge  
 18 source.

19 Q. Okay. I know you've testified before -- I'm  
 20 not going to ask you to go over it again -- about some  
 21 people that have -- were shown Palmaz Exhibit 5. My  
 22 question to you is very particular. Did you send this  
 23 document, Palmaz Exhibit 5, to anybody so you -- they  
 24 could look at the biologically inert coating issue you  
 25 were proposing?

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 1 A. Yeah.  
 2 Q. And the first company, was that Hancock?  
 3 A. I believe so, yes.  
 4 Q. Is that h-a-n-c-o-c-k?  
 5 A. Yes.  
 6 Q. Okay. And then I heard the Shiley Company.  
 7 Was there another company that you had these  
 8 discussions over, you know, metal versus polymer?  
 9 A. I was dealing at the time with another  
 10 company. It was Cook. And they had made a device or  
 11 two for me for other areas, but they were  
 12 implantables, too, and these were made out of plastic.  
 13 So, we did have some discussions about plastics and  
 14 plasticizers and untowards effects and things like  
 15 that with them. So -- and then later on, I asked them  
 16 whether they would be interested in a metal implant,  
 17 and they said, no, they were not interested. But at  
 18 any rate, with that particular company, I did have  
 19 discussions about plastics as well.  
 20 Q. Were there any other companies that you had  
 21 discussions with at that time about metal versus  
 22 plastic or metal coated with plastic?  
 23 A. Well, as I said, no, I think most of that  
 24 information I got from the literature and reading, you  
 25 know, what was available at the time.

1 Q. Okay. And the companies that you mentioned  
 2 where you had the discussions of metal versus plastic,  
 3 had you provided them your PalmaZ Exhibit 5 as a -- to  
 4 facilitate the discussion?

5 A. That -- I can't remember if it was this one  
 6 or it was the first one. I really can't remember  
 7 which one.

8 Q. And by the first one, you're referring to  
 9 today's PalmaZ Exhibit 4. Is that correct?

10 A. That's correct, yes.

11 Q. So, one or the other --

12 A. Yes.

13 Q. -- you would have provided --

14 A. Yes.

15 Q. -- to facilitate the discussion?

16 A. That's correct.

17 MR. HOWARD: And just for the record,  
 18 there's been extensive testimony in the past as to  
 19 which one he actually did give them.

20 Q. (By Mr. Armenio) Can you remember any other  
 21 company or person that you discussed metal versus  
 22 plastic?

23 A. At what time period?

24 Q. Why don't we go through 1985. Through the  
 25 end of 1985, did you have any other discussions with

1 please?

2 (Requested portion was read.)

3 A. I have given either one of these two  
 4 documents to a few people in the radiology department  
 5 where I was working in California. I believe there  
 6 were some people in the vascular surgery area that I  
 7 had given this document to, copies of this, and there  
 8 were some people in my own department who I talked to  
 9 and -- about these subjects, yes.

10 Q. (By Mr. Armenio) When you say in the  
 11 vascular surgery area, were those people at different  
 12 hospitals?

13 A. I was working with a few hospitals. I  
 14 really can't remember exactly that, but they were  
 15 people that I interacted with at the time.

16 Q. At this point, do you remember any names of  
 17 anyone you provided the article to, either 4 -- PalmaZ  
 18 Exhibit 4 or 5, to facilitate the discussion of metal  
 19 versus plastic?

20 A. There was a surgeon in Martinez who was also  
 21 working at UC Davis named Stanley Carson, and I had  
 22 provided him with a copy of this -- one of these two  
 23 documents, and I did have discussions with him about  
 24 metal versus plastics and what plastics and so forth,  
 25 and I -- that's -- I probably had shown it to somebody

1 anybody else, a company or a person, regarding metal  
 2 versus plastic?

3 A. After I moved to Texas, I really had, you  
 4 know -- Let's put it this way: I was working harder  
 5 on stents than I had before, and I was spending a lot  
 6 of time reading. So, the amount of information I was  
 7 picking up at the time was much larger, and, I mean, I  
 8 was talking to so many people and reading a lot of  
 9 stuff, I really can't remember, but I really  
 10 progressed a lot in the subject between -- since I  
 11 moved, you know, from California to Texas.

12 Q. Okay.

13 A. So, through '85 -- You know, I just cannot  
 14 tell you. Just the universe of -- My universe on the  
 15 stent work increased a lot.

16 Q. Okay. Other than the companies you've  
 17 mentioned, do you recall sending either PalmaZ  
 18 Exhibit 4 or 5 to anyone during this time up to 1985  
 19 to facilitate a discussion about metal versus plastic?

20 A. 4 or 5 being these two documents?

21 Q. Yes, sir.

22 A. So -- I'm sorry. Can you repeat the  
 23 question?

24 Q. Sure.

25 MR. ARMENIO: Could you read it back,

1 else in surgery, but I really can't remember exactly  
 2 to whom --

3 Q. Okay.

4 A. -- at this time.

5 Q. So, other than the gentleman you just named  
 6 and the companies you named before, can you remember  
 7 any other person or company that you showed PalmaZ  
 8 Exhibit 4 or 5 to up to the end of 1985 to facilitate  
 9 a discussion of metal versus plastic for use in  
 10 stents?

11 A. Well, again, I said when I came -- when I  
 12 came to Texas, we did talk to a lot of people, and,  
 13 so, the number of contacts increased after I moved to  
 14 Texas. I had -- As I said, I had renewed interest in  
 15 this area. I was doing a lot of animal research at  
 16 the time, and I did talk to more people, but I  
 17 can't -- just can't remember how many.

18 Q. Do you recall the time frame when you had  
 19 your discussion with Dr. Carson about metal versus  
 20 plastic?

21 A. Yeah. I think it was -- It was early. I  
 22 can't remember when. I did show Dr. Carson my idea  
 23 and the possibility of using metal implants in  
 24 arteries.

25 Q. Was it before or after you moved to